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Sub-Commission on Prevention
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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

Note verbale dated 12 July 1994 from the Permanent Mission of the State of Kuwait to the United Nations Office at Geneva addressed to the Centre for Human Rights

With reference to the note dated 10 May 1994 from the Permanent Mission of Iraq, as reproduced in document E/CN.4/Sub.2/1994/42 - E/CN.4/1994/6 of 22 June 1994, concerning the so-called statement by the Speaker of the Iraqi National Assembly calling for dialogue with the Kuwaiti National Assembly with a view to settling outstanding issues between the two countries, including the question of the Kuwaiti prisoners, first of all the Permanent Mission of Kuwait wishes to reaffirm Kuwait's positions, which are a matter of principle, as well as its unwavering belief in dialogue for the settlement of inter-State conflicts by peaceful means, and its condemnation of the use or threatened use of force in international relations. Kuwait's long history is a model example of commitment to, and advocacy of, these principles. In contrast, the history

of the present Iraqi regime consists solely in a continuous series of acts of aggression and wars either against Iraq's neighbours or against its own people and its record is full of acts of terrorism against victims both near and far. The present year has witnessed one of the most odious and abominable acts, which once again proved the extent to which the Iraqi regime is flouting international law and human rights instruments even while it is ostensibly seeking to promote Arab brotherhood and Arab interests and uttering honeyed words concerning the achievement of stability in our region.

The appeal for dialogue by the Speaker of the Iraqi National Assembly is merely a crude expedient to circumvent the international resolutions adopted by the Security Council which define Iraq's obligations in a precise and equitable manner and lay down a sound and proper framework through which security and stability can be achieved in the region. The lack of credibility of the new Iraqi manoeuvre is highlighted by the fact that Iraq is still casting doubt on Kuwait's sovereignty, refusing to recognize its international borders and denying that it is holding prisoners in spite of the irrefutable documents that Kuwait has submitted to international bodies, particularly the International Committee of the Red Cross and the Special Rapporteur on human rights [in Iraq].

The statement issued by the Kuwaiti National Assembly on 19 April 1994 was a clear and categorical reply in which it called upon the Iraqi regime to abide by international resolutions and refrain from attempts to evade them through dubious appeals seeking to spread sedition and calumny with a view to undermining national unity and fomenting discord between Kuwait's constitutional authorities, which do not differ or disagree on crucial national issues. During the iniquitous Iraqi aggression, the world observed the steadfast nature of the internal front, which effectively helped to thwart the aims and bring about the defeat of the aggressor.

The iniquitous Iraqi aggression against the State of Kuwait and the region brought the Iraqi regime into confrontation with the international community. Consequently, Iraq's obligations under the terms of the Security Council resolutions constitute obligations towards the international community, including Kuwait, and are not secondary issues to be negotiated between the two countries. In other words, Iraq has no option other than scrupulous, strict and faithful compliance with the international will and the Iraqi regime's persistent devising of ways and means to cheat and procrastinate will be detrimental to the security of the region and the world and will also increase the sufferings of the Iraqi people.

Iraq's path towards the achievement of security and stability in the region is clear; it must adopt a policy of honest compliance with the international will, respect the principles of international law and refrain from aggression, expansion and invasion. It should begin, in particular, by recognizing the independence and inviolable international borders of the State of Kuwait, releasing the Kuwaiti and other prisoners, returning public and private property, paying compensation, renouncing weapons of mass destruction, refraining from terrorism and respecting human rights in Iraq.

In conclusion, the menacing attitude that characterizes the note dated 10 May 1994 from the Permanent Mission of Iraq, and particularly the final paragraph thereof, as reproduced in the above-mentioned document, clearly indicates that the Iraqi regime has learned nothing from the lessons and examples of the past and is still far from understanding present realities and the spirit of the age.

You are kindly requested to circulate this note as an official document of the fifty-first session of the Commission on Human Rights and the forty-sixth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.